IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 18TH OCTOBER 2007 / 26TH ASWINA 1929

WP(C).No. 23120 of 2006(B)

AGAINST THE ORDER DATED IA 1580/03 IN
OS.1331/1999 of MUNSIFF COURT,CHAVAKKAD

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PETITIONER:

SASIKUMAR, S/O. ALLIPPARA SARATHCHANDRAN
VALLASSERY PARAMBIL, KARAKKAD DESOM,
GURUVAYOOR, CHAVAKKAD, THRISSUR DISTRICT.

BY ADV. SRI.M.B.PRAJITH

RESPONDENT:

KUTTAN, S/O. PUNNARASSERY APPUKUTTAN,
KAKKASSERY DESOM, BRAHMAKULAM,
CHAVAKKAD, THRISSUR DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 18/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.Krishnan, J.

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W.P(C).No.23120 of 2006

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Dated this the 18th day of October, 2007.

JUDGMENT

This Writ Petition is filed to set aside Ext.P5 order. As per Ext.P5, the court refused to receive the written statement on the ground that it is filed beyond time. Now I am informed that an application for setting aside the ex parte decree is pending before the court and the suit has already been disposed of. When the court set aside the ex parte decree, certainly the court can take into consideration the prayer for receiving the written statement, especially in the light of the Apex Court decision that the period stipulated for filing the written statement under the amended C.P.C. is only directory and not mandatory.

With these observations, the Writ Petition is disposed of.

M.N.Krishnan,
Judge.

ess 18/10